

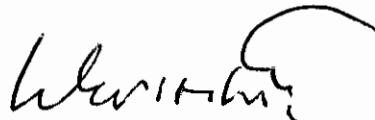
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LEROY COLLINS, :
Plaintiff, : **Case No. 3:06-cv-059**
-vs- : **District Judge Walter H. Rice**
WILLIAM T. DALY, : **Magistrate Judge Michael R. Merz**
Defendant. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 27, 2006, hereby ADOPTS said Report and Recommendations. Accordingly Defendant's Complaint is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction and/or failure to state a claim upon which relief can be granted.

March 29, 2006.



Walter H. Rice
United States District Judge